United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Philip G. Reinhard	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	99 CR 50059	**DATE**	10/10/2003
CASE TITLE	U.S.A. vs. WILLIAM SIMPSON		

MOTION:

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

DOCKET ENTRY:

(1) ☐ Filed motion of [use listing in "Motion" box above.]

(2) ☐ Brief in support of motion due _____.

(3) ☐ Answer brief to motion due_____. Reply to answer brief due_____.

(4) ☐ Ruling/Hearing on _____ set for _____ at _____.

(5) ☐ Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.

(6) ☐ Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.

(7) ☐ Trial[set for/re-set for] on _____ at _____.

(8) ☐ [Bench/Jury trial] [Hearing] held/continued to _____ at _____.

(9) ☐ This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to] ☐ FRCP4(m) ☐ General Rule 21 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).

(10) ■ [Other docket entry] For the reasons stated on the reverse Memorandum Opinion and Order, the motion is summarily dismissed.

(11) ■ [For further detail see order on the reverse side of the original minute order.]

	No notices required, advised in open court.				Document Number
	No notices required.			number of notices	
✓	Notices mailed by judge's staff.			OCT 10 2003	62
	Notified counsel by telephone.			date docketed	
	Docketing to mail notices.			docketing deputy initials	
	Mail AO 450 form.		U.S. DISTRICT COURT		
	Copy to judge/magistrate judge.			10-10-03	
/SEC	courtroom deputy's initials	03 OCT 10 PM 1:46	date mailed notice		
		Date/time received in central Clerk's Office	mailing deputy initials		

MEMORANDUM OPINION AND ORDER

Defendant, William Simpson, has filed a motion entitled "Motion for Downward Departure" which in reality appears to be a motion pursuant to 28 U.S.C.§2255. Simpson is a federal prisoner convicted upon his guilty plea of conspiracy to possess with intent to distribute cocaine, 21 U.S.C. §846. In his plea agreement entered into at the time of his plea of guilty, Simpson waived his right to appeal his sentence and his right to challenge his sentence or the manner in which it was determined in any collateral attack, including a §2255 motion. Simpson does not challenge the voluntariness of his guilty plea nor the ineffective assistance of counsel with respect to the negotiation of his waiver. Thus, his waiver bars any collateral relief in this motion whether it is termed a §2255 motion or not. See Mason v. United States, 211 F.3d 1065 (7th Cir. 2000). The court further notes that the request for downward departure in his motion under U.S.S.G. §5H1.4 was not excepted from the waiver provision and was presented to this court at sentencing and denied. He also received the benefits of a sentence reduction under Rule 11(c)(1)(C). This motion is summarily dismissed.